

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

TERRY KING, )  
                  )  
Plaintiff,     )  
                  )     **NO. 3:18-cv-01234**  
v.                )  
                  )     **JUDGE CAMPBELL**  
LISA HELTON, et al., )  
                  )  
Defendants.    )

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DONALD MIDDLEBROOKS,     )  
                  )  
Plaintiff,     )  
                  )     **NO. 3:19-cv-01139**  
v.                )  
                  )     **JUDGE CAMPBELL**  
LISA HELTON, et al., )  
                  )  
Defendants.    )

**ORDER**

Pending before the Court is Defendants' Motion to Stay Proceedings in the above captioned cases until the conclusion of the independent investigation that Governor Lee has ordered of the lethal injection process in Tennessee and the timely completion of related corrective action. (*King*, Doc. No. 219; *Middlebrooks*, Doc. No. 59). Defendants state that it is "clearly contemplated that the independent investigation will result in changes to the ways in which TDOC conducts lethal injection procedures, the ways in which those procedures are staffed, and the personnel responsible for implementing those procedures." (*King*, Doc. No. 220 at 4; *Middlebrooks*, Doc. No. 60 at 4). Further, Defendant recognize

that Plaintiffs may seek to amend their complaints to account for changes to the Protocol or TDOC personnel resulting from the independent investigation and have agreed not to object to Plaintiffs amending their complaints to address such changes. (*King*, Doc. Nos. 219-3 and 220 at 5; *Middlebrooks*, Doc. Nos. 59-3 and 60 at 5). Defendants add that Governor Lee has paused all scheduled executions through the end of 2022 and has made clear that he intends for the investigation to be complete and any corrective action put in place before any executions proceed. (*King*, Doc. Nos. 220-2, 220-3; *Middlebrooks*, Doc. Nos. 60-2, 60-3).

The Court agrees that the interests of the Parties and judicial economy and efficiency will be best served by the staying the case pending the outcome of the independent investigation. Accordingly, the Motion to Stay Proceedings in the above captions cases is **GRANTED** and these cases will be administratively closed during the pendency of the investigation. The trial scheduled for October 4, 2022, is **CONTINUED** to a date to be set after the stay is lifted. Within 30 days of the completion of the investigation, Defendants shall file a notice with the Court and move to reopen the cases and set a revised scheduling order. In addition, if an execution date for either Plaintiff is set before the investigation is complete and the cases reopened, Defendants shall immediately notify the Court.

Defendants also filed a motion to withdraw their Motion for Summary Judgment pending in the *King* case (*King*, Doc. No. 182), as well as their associated Memorandum (*King*, Doc. No. 183) and Statement of Facts (*King*, Doc. No. 184), to which Plaintiff Terry King is unopposed. (*King*, Doc. No. 218). The Motion is **GRANTED**. Accordingly, Defendants need not respond to King's Statement of Additional Material Facts (*King*,

Doc. No. 201), and King's Motion to Deny or Defer Consideration of Defendants' Motion for Summary Judgment (*King*, Doc. No. 203) is **MOOT**. King's Motion for Leave to Supplement Expert Report of Dr. Michaela Almgren (*King*, Doc. No. 199) is **DENIED WITHOUT PREJUDICE** to refiling, if necessary, after the case is reopened.

It is so **ORDERED**.



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WILLIAM L. CAMPBELL, JR.  
UNITED STATES DISTRICT JUDGE